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Election

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PATENT
Attorney Docket No.: 019916-001210US

Assistant Commissioner for Patents
Washington, D.C. 20231

On 1-2-02

TOWNSEND and TOWNSEND and CREW LLP

By: Maisie C. Livengood
Maisie C. Livengood

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Empedocles, et al.

Application No.: 09/784,645

Filed: February 15, 2001

For: MICROARRAY METHODS
UTILIZING SEMICONDUCTOR
NANOCRYSTALS

Examiner: Forman, Betty J.

Art Unit: 1655

RESPONSE TO RESTRICTION
REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the restriction requirement mailed November 29, 2001, Applicants elect to prosecute Group I which includes claims 1-26 and 40-43, without traverse. In response to the species election requirement, Applicants elect nucleic acids, without traverse. Claims from Group I that read upon the elected species include all claims in the group, except claims 16-18 and 24.

If the Examiner has any questions regarding Applicants' election, or if the Examiner believes a telephone conference would expedite prosecution of this application, please telephone

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PATENT

the undersigned at 303-571-4000.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Scott Ausenh". The signature is fluid and cursive, with the first name "Scott" and last name "Ausenhus" (though the handwritten form is slightly different) clearly legible.

Scott L. Ausenh
Reg. No. 42,271

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